

# **EXHIBIT 13**

**From:** David J. Rosen

**Sent:** Monday, September 14, 2015 9:24 PM

**To:** Jason Liu ([jasonliu@quinnemanuel.com](mailto:jasonliu@quinnemanuel.com))

**Cc:** Sean Pak ([seanpak@quinnemanuel.com](mailto:seanpak@quinnemanuel.com)); Matthew Cannon ([matthewcannon@quinnemanuel.com](mailto:matthewcannon@quinnemanuel.com)); Mark Tung ([marktung@quinnemanuel.com](mailto:marktung@quinnemanuel.com)); ARISTA-KVN

**Subject:** Cisco v. Arista: Joint Claim Construction and Prehearing Statement

Jason,

Thank you for providing amended infringement charts, and thank you for dropping claims 11 and 15 of the '886 patent. We are currently revising our proposed claim constructions in light of Cisco's amended infringement contentions, and we expect to send you our revised constructions tomorrow. Either late tomorrow or on Wednesday, we are available to meet and confer over the Joint Claim Construction and Prehearing Statement, as required by P.L.R. 4-3. During the meet and confer, we can work to resolve differences regarding our respective claim constructions, as well as to identify the ten terms likely to be most significant to resolving our dispute.

In advance of our meet and confer, we ask that you clarify two issues:

1. In *Plaintiff Cisco's Preliminary Claim Constructions and Extrinsic Evidence*, you stated that "Cisco may rely on expert testimony from expert Kevin Almeroth." 1:19–20. However, Cisco did not cite the testimony of Mr. Almeroth as extrinsic evidence in support of any of its proposed constructions. We therefore ask that you confirm that Mr. Almeroth will not testify at a claim construction hearing in this case.
2. As part of claim construction discovery, Arista plans to depose the inventors of the '526 and '886 patents. Which inventors, if any, does your law firm represent? For any of those you do represent, please provide dates for their depositions in San Francisco. Note that P.L.R. 4-4 requires that all depositions related to claim construction must be complete no later than October 19.

Best regards,  
David

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**David J. Rosen**

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